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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 SUMMIT REAL ESTATE GROUP, INC.

11 Plaintiff,

12 vs.

13 FEDERAL HOME LOAN MORTGAGE  
CORPORATION; FHLMC BANK, MITCHELL  
14 LABORWIT,

15 Defendants.  
16

Case No. 2:15-cv-00760-KJD-GWF

17 **STIPULATION TO CONTINUE STAY**

18 On March 28, 2017, the Court approved the parties' stipulation to continue the stay of this case  
19 for a further 30 days pending the filing of a petition for writ of certiorari with the United States Supreme  
20 Court concerning the Ninth Circuit's decision *Bourne Valley Court Trust v. Wells Fargo Bank, NA*, 832  
21 F.3d 1154 (9th Cir. 2016). On April 3, 2017, a petition for a writ of certiorari was filed as United States  
22 Supreme Court case number 16-1208. The Supreme Court has not yet ruled on the petition.

23 The parties also note that the Nevada Supreme Court has stayed the issuance of remittitur in  
24 *Saticoy Bay LLC Series 350 Durango 104 v. Wells Fargo Home Mortg., a Div. of Wells Fargo Bank*,  
25 *N.A.*, 133 Nev. Adv. Op. 5 (2017) to June 21, 2017, pending the prospective filing of Wells Fargo Home  
26 Mortgage's petition for a writ of certiorari with the United States Supreme Court. Based upon the  
27 foregoing, the parties anticipate that the United States Supreme Court may grant certiorari and hear the  
28 cases jointly.

1 A district court has the inherent power to stay cases to control its docket and promote the  
2 efficient use of judicial resources. *Landis v. N. Am. Co.*, 299 U.S. 248, 254–55 (1936); *Dependable*  
3 *Highway Exp., Inc. v. Navigators Ins. Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007). When determining  
4 whether to stay a case pending the resolution of another case, a district court must consider (1) the  
5 possible damage that may result from a stay, (2) any “hardship or inequity” that a party may suffer if  
6 required to go forward, (3) “and the orderly course of justice measured in terms of the simplifying or  
7 complicating of issues, proof, and questions of law” that a stay will engender. *Lockyer v. Mirant Corp.*,  
8 398 F.3d 1098, 1110 (9th Cir. 2005).

9 In this case, the parties submit that no damage will result from a continuance of the stay of this  
10 case for a further 90 days, pending the Supreme Court’s ruling on the petition for a writ of certiorari in  
11 the *Bourne Valley* case and the prospective filing of a petition for writ of certiorari with the Supreme  
12 Court in the *Saticoy Bay* case. However, should the Supreme Court deny the petition for a writ of  
13 certiorari in the *Bourne Valley* case, the parties will promptly stipulate to end the stay in this case and  
14 proceed with filing any dispositive motions within 30 days of the Court’s order terminating the stay of  
15 this case. Moreover, if the Court is not inclined to continue the stay of this case, the parties will  
16 promptly file a stipulation ending such stay upon denial of the instant stipulation.

17 Dated: April 27, 2017

Dated: April 27, 2017

18 /s/ Nathan F. Smith

/s/ Zachary T. Ball

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24 *Attorney for Federal Home Loan Mortgage*  
25 *Corporation and M&T Bank*

*Attorney for Plaintiffs*

26 **IT IS SO ORDERED.**

27 DATED this 1st day of May, 2017

28   
UNITED STATES DISTRICT COURT JUDGE